

DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 18, 1999
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, Mayor Pro Tempore Clement recognized the Carolina Wildcats who recently won Second Place in the AAU National Invitation Championship in Cocoa Beach, Florida.

Mayor Tennyson read a "Resolution Honoring Steven R. Sons" for his work on the Workforce Development Board.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell made a brief presentation on the agreement reached with the funeral home directors regarding the Funeral Escort Policy. A copy of the new policy was provided to each Council Member. Several Council Members thanked the Manager for resolving this matter expeditiously.

Mr. Jones, of Ellis D. Jones Funeral Home, noted that the funeral home directors supported the guidelines for conducting funeral processions as noted by the City Manager.

**SUBJECT: FUNERAL ESCORT POLICY - RECOMMENDATION FROM PUBLIC
WORKS
COMMITTEE**

To reinstate the original Funeral Escort Policy which was in effect prior to June 2, 1999.

Due to the agreement reached between the administration and the funeral home directors, the following motion was made:

MOTION by Council Member McKissick seconded by Council Member Miller to table this item was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

City Clerk Bowers informed the Council of the sufficient

protest petitions filed against GBA #7 [Zoning Case P98-90] Glennamar, LLC.
There were no priority items from the City Attorney.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mayor Tennyson requested that Consent Item 18 [Transportation Improvement Program (TIP) Bi-Annual Status Report and FY 2002-2008 TIP Project Priority List] be pulled to set a public hearing on November 1, 1999. Also, the Mayor noted the revisions to Consent Items 4 and 10.

At this time, Nancy Law of the City Manager's Office, made a presentation on Consent Item 10 [Durham Days for Disaster Relief]. She noted that the administration recommends that the Durham City Council adopt a resolution officially naming Edgecombe County as the locale in which the City and County will focus their resources and that employees volunteering for general assistance be paid for up to three days through the end of the 1999-2000 fiscal year.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: EXTENSION OF PROJECT PERIODS FOR "CONTROLLED SUBSTANCE

TAX DISTRIBUTION: PROJECT Ordinances

MOTION by Council Member Larson seconded by Council Member Miller to adopt revised "Controlled Substance Tax Distribution" Project Ordinances for FY 1998/99, FY 1997/98, FY 1996/97 and FY 1995/96 to extend the project periods through June 30, 2001 [or until all funds are expended] was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: EXTENSION OF PROJECT PERIODS FOR "FEDERAL ASSET FORFEITURE FUND" PROJECT ORDINANCES

MOTION by Council Member Larson seconded by Council Member Miller to adopt revised "Federal Asset Forfeiture Fund" Project Ordinances for FY 1998/99, FY 1997/98, FY 1996/97 and FY 1995/96 to extend the project periods through June 30, 2001

[or until all funds are expended] was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REVISED "LOCAL LAW ENFORCEMENT UNIVERSAL HIRING BLOCK GRANT" PROJECT ORDINANCE

MOTION by Council Member Larson seconded by Council Member Miller to adopt a revised grant project ordinance for the "Local Law Enforcement (Universal Hiring) Block Grant" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: USE OF FEDERAL ASSET FORFEITURE FUNDS FOR THE PURCHASE OF
A 1999 OR 2000 SPORTS UTILITY VEHICLE**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Federal Asset Forfeiture Funds in an amount not to exceed \$33,000 for the purchase of a 1999 or 2000 Sports Utility Vehicle was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: USE OF CONTROLLED SUBSTANCE ABUSE FUNDS FOR THE PURCHASE
OF PROTECTIVE VESTS**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of controlled substance abuse funds in an amount not to exceed \$39,865 for the purchase of protective vests was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REALLOCATION OF FUNDS IN THE 1998 GRANT AWARD RECEIVED
FROM THE U. S. DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE
ASSISTANCE**

MOTION by Council Member Larson seconded by Council Member

Miller to authorize the reallocation of grant funds for the purchase of equipment for the Police Department's Identification Unit and Property/Evidence Unit was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM COMMUNITY LAND TRUSTEES SUBRECIPIENT CONTRACT

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COMMERCIAL RENOVATION AT 1208 WEST CHAPEL HILL STREET

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the proposed Subrecipient Contract with the Durham Community Land Trustees, allocating \$150,000 in Department of Housing and Urban Development Economic Development Initiative - Special Project (EDI-SP) funds for the purchase and renovation of the commercial property at 1208 West Chapel Hill Street was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: 1999-2000 BUDGET ORDINANCE AMENDMENT #1

MOTION by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance Amending the 1999-2000 City of Durham Budget Ordinance, the Same Being Ordinance #11771" to increase revenues and appropriations by \$15,334,853.00 was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: COMMUNITY SUBSTANCE ABUSE PREVENTION PROGRAM

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11597 concerning U. S. Department of Health and Human Services Community Substance Abuse Prevention Program FY 1998-99" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM DAYS FOR DISASTER RELIEF - HURRICANE FLOYD

MOTION by Council Member Larson seconded by Council Member

Miller to direct the Administration to prepare a plan that allows leave with pay and arrange transportation for City employees to perform disaster relief work on a rotating department basis in eastern North Carolina; and

To receive a report from the Administration; and

To adopt a "Resolution Designating Edgecombe County as the Primary Community for Assistance in Recovering from the Effects of Recent Floods" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - KING'S PARK INTERNATIONAL CHURCH,
ALPHA & OMEGA GROUP, PC**

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for King's Park International Church, submitted by Alpha & Omega Group, PC, consisting of one building with two levels totalling 61,215 square feet, proposed on 31.85 acres, zoned R-20, and located south of Martin Luther King, Jr. Parkway, north of Odyssey Drive, and west of NC Highway 55 (Tax Maps #551-1-1C, 554-1-16) was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN/PRELIMINARY PLAT APPROVAL - MAGNOLIA PLACE

MOTION by Council Member Larson seconded by Council Member Griffin to approve a site plan for Magnolia Place, submitted by 1st American Land, consisting of 64.37 acres proposed for 182- lot single family development, zoned PDR 2.83, and located between Page and Lumley Roads, adjacent to Ashley Forest (Tax Maps 648-1-3 partial; 4A partial, 7, 8, 11, 14A, and 649-1-6, 7, 8A).

**SUBJECT: SERVICE CONTRACT FOR THE NATIONAL REGISTER NOMINATION FOR
THE PROPOSED WATTS-HILLANDALE HISTORIC DISTRICT -
LONLEAF HISTORIC RESOURCES**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Longleaf Historic Resources in the amount of \$14,429 for the national register nomination for the proposed Watts-

Hillandale Historic District was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DESIGNATION OF LIAISONS TO THE MANAGER'S TASK FORCE ON

BICYCLING IN DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to designate Councilmember Floyd B. McKissick, Jr. and Beth Timson as liaisons to the Managers' Task Force on Bicycling in Durham was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITION UNDER THE HAZARD MITIGATION GRANT

PROGRAM - 109 AND 110 WAKE ROBIN PLACE, PROPERTIES OF WEST AND GERALDINE SCOTT AND JOHN AND LEOLY WALLER

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of **a)** approximately 0.45 acres, land and improvements, located at 109 Wake Robin Place, Tax Map 804-04-009, property of West and Geraldine Scott for \$95,000; **b)** approximately 0.30 acres, land and improvements, located at 110 Wake Robin Place, Tax Map 804-04-010, property of John and Leoly Waller for \$110,000; and **c)** to approve retroactive relocation benefits to previously acquired owner occupied properties if relocation benefits are approved under the State Acquisition and Relocation Fund Program was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: COMPUTER ENRICHMENT CONTRACT - EXCELLENCE BY CHOICE, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$63,500 with Excellence By Choice, Inc. to provide computer enrichment programming, and to recruit, develop and manage computer program-related sponsorships for fiscal year 2000; and to authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson,

Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CITYWIDE STORM WATER INFRASTRUCTURE INVENTORY PROJECT
CONTRACT AMENDMENT #1 - HAYES, SEAY, MATTERN &
MATTERN**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Amendment #1 to the Agreement with Hayes, Seay, Mattern & Mattern, Inc. for the Citywide Storm Water Infrastructure Inventory Project was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING JOHN MCLENDON

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing John McLendon, former North Carolina Central University basketball coach was approved at 10:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR ASPHALTIC
CONCRETE, NELLO L. TEER**

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Nello L. Teer in the amount of \$166,310.25 for providing the City with its estimated annual requirement for asphaltic concrete; and

To authorize the City Manager to enter into a contract with Nello L. Teer in the amount of \$166,310.25 for providing the City with its estimated annual requirement for asphaltic concrete; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - ELEVEN GENERATOR SETS, PIEDMONT PRODUCTS, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Piedmont Power Products, Inc, in the amount of \$156,687.00 for providing the City with eleven (11) generator sets; and

To waive the requirement for a Performance Bond; and

To authorize the City Manager to enter into a contract with Piedmont Power Products, Inc. in the amount of \$156,687.00 for providing the City with eleven (11) generator sets; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:16 p.m. by the following vote:

Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - AUDUBON PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Whisperwood Drive at Haventree Road, northwest and southeast corners;
- 2) Windyrush Court at Haventree Road, southeast corner;
- 3) Silverwood Court at Haventree Road, northwest corner;
- 4) Woodsage Lane at Haventree Road, northwest corner; and
- 5) Rusticwood Lane at Haventree Road, southeast corner.

SUBJECT: STOP SIGN - BETTIE LANE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Bettie Lane at Williamsburg Road, southwest corner was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - GREENWAY AT AMERICAN VILLAGE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Coolidge Place at Sturdivant Road, southwest corner; and
- 2) Arthur Lane at Sturdivant Road, southwest corner.

SUBJECT: STOP SIGN - MEDICAL PARK DRIVE EXTENSION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Medical Park Drive Extension at Ben Franklin Boulevard, northwest corner was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGN - PAGEHURST SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Pageford Drive at Lumley Road, southeast corner; and
- 2) Sagar Court at Pageford Drive, southwest corner.

SUBJECT: STOP SIGNS - RIDGEWOOD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Saddle Creek Lane at Bevington Lane, southeast corner;
- 2) Bevington Lane at Gladstone Drive, northeast corner;

- 3) Pebblestone Drive at Daniel Road, northwest corner; and
- 4) Esterbrook Court at Pebblestone Drive, southwest corner.

SUBJECT: STOP SIGNS - WYNDCROSS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Boulder Road at Wellingham Drive, northwest corner;
- 2) Winding Arch Drive at Wellingham Drive, southeast corner;
- 3) Loganberry Lane at Winding Arch Drive, southwest corner;
and
- 4) Draebury Lane at Winding Arch Drive, southwest corner.

SUBJECT: TWENTY-FIVE MILER PER HOUR SPEED LIMIT - SALEM STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Salem Street beginning at the south curb line of Angier Avenue, if extended, south to Peabody Street was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PARKING PROHIBITION - BINGHAM STREET

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time on the east side of Bingham Street, in the area between Owen Street and Angier Avenue was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET ACCEPTANCE - NORTH POINTE, TRAFALGAR PLACE, GREYFIELD, HOPE VALLEY FARMS, SULLIVAN TRACE AND SPRING MEADOW

MOTION by Council Member Larson seconded by Council Member Miller to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox,

Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

NORTH POINTE

1. North Pointe Drive - from the east curbline of Guess Road eastward to STA 10+00 (2,808')

TRAFALGAR PLACE

1. Trafalgar Place - from the centerline of Rugby Road north thru the cul-de-sac (343')

GREYFIELD

1. Cullowee Court - from the centerline of Langford Terrace north thru the cul-de-sac (169')

HOPE VALLEY FARMS

1. S. Roxboro Street - from the end of existing pavement (STA 85+18) northeastward to the end of construction at Julliette Drive (STA 103+20), (1,812')

SULLIVANS TRACE

1. Kissimee Court - from the centerline of Julliette Drive northward thru the cul-de-sac (456')
2. Dolwick Drive - from the centerline of Kissimee Court east then north thru the cul-de-sac (1,376')

SPRING MEADOW

1. Ascott Way - from the centerline of Julliette Drive eastward to the centerline of Spring Meadow Drive (890')
2. Spring Meadow Drive - from the end of existing Phase I pavement (STA 7+50) north to the end of pavement at STA 10+72, (322')
3. Woodward Lane - from the centerline of Ascott Way westward thru the cul-de-sac (253')
4. Houston Ridge - from the centerline of Ascott Way south thru the cul-de-sac (186')

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, November 1, 1999 to consider ordering the following improvements under the Enabling Act Authority was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. **Sidewalk - Chapel Hill Road (North Side)** from McGehee Street east to Anderson Street;
- b. **Sidewalk - Anderson Street (West Side)** from Perkins Road north to Cranford Road;
- c. **Sidewalk - Hillsborough Road (South Side)** from Erwin Square east to Ninth Street;
- d. **Sidewalk - Morehead Avenue (South Side)** from Anderson Street east to Chapel Hill Road; and
- e. **Sidewalk - Hillsborough Road (North Side)** from Lasalle Street east to Hillandale Road exit.

[GENERAL BUSINESS AGENDA]

SUBJECT: Sewer Main - Kinloch Drive from Kinloch Drive Outfall to
Latta Road and **Latta Road** from Kinloch Drive to
Womack
Drive - Mini Assessment Roll

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Edith E. Glenn, identified as Tax Map #825-2-1, 408 and 502 Latta Road, Lots 7 and 7A, has not benefited at this time from the sewer main improvement on Kinloch Drive/Latta Road and to relieve the assessment in the amount of \$5,097.75 with the provision that a frontage fee will be due and payable at the prevailing rate should the property receive sewer service was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and

Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Cook Road from Tall Oaks Drive to South
Property Line of Tax Map 518-5-4 - Mini Assessment
Roll

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Mark Lee and Jill D. Walkowe, identified as Tax Map #518A-1-38, 2224 Cook Road, has benefited from the water main improvement on Cook Road and to confirm the assessment in the amount of \$1,062.81 was approved at 8:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WORKFORCE INVESTMENT ACT PLAN

To receive a report from the Administration concerning the Workforce Investment Act Plan.

To receive citizens' comments on Durham's Workforce Investment Plan.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the Workforce Investment Act Plan; and

To receive citizens' comments on Durham's Workforce Investment Plan was approved at 8:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED AMENDMENTS TO CHAPTER 18 OF THE DURHAM CITY CODE

REGARDING EXCAVATIONS, PERMITS, LICENSES, AND FRANCHISES

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on proposed amendments to Chapter 18 of the Durham City Code; and

To receive citizens' comments on the proposed amendments to Chapter 18 of the Durham City Code; and

To adopt "An Ordinance to Amend Certain Sections of Chapter 18 of the Durham City Code Regarding Excavations, Permits, Licenses, and Franchises" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P99-1, ANTHONY OKORO, 2915 HOLLOWAY STREET

Case: P99-1 (Continued from the September 20, 1999 City Council Meeting)

Applicant: Anthony Okoro

Location: The site is located at 2915 Holloway Street, on the north side of Highway 98, just west of Lynn Road (Tax Map 387, Block 1, Lots 3, 4)

Request: Rezoning from NC (Neighborhood Commercial District) (F/J-B) to GC(D) (General Commercial District with a Development Plan) (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of NC (F/J-B) and placing same in and establishing same as GC(D) (F/J-B).

Zoning Committee's Recommendation and Vote: Approval (7-0), subject to changes in conformance with City policy.

City Manager's Recommendation: Approval, due to the applicant providing changes as approved by the Zoning Committee

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Miller seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking

the above described property out of NC (F/J-B) and placing same in and establishing same as GC(D) (F/J-B) was approved at 8:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth and Engelhard. Absent: None.

SUBJECT: ZONING MATTER CASE P99-36, REDZONE, LLC, SOUTH SIDE OF CLUB BOULEVARD EAST OF ROXBORO ROAD, OPPOSITION THORNE STREET

Case: P99-36 (Continued from the September 20, 1999 City Council Meeting)

Applicant: Redzone, LLC

Location: 29.88 acre site located on the south side of Club Boulevard east of Roxboro Road, opposite Thorne Street. (Tax Map 217, Block 1, Lot 1D)

Request: Rezoning from R-5(D) (Single Family Residential District, 5,000 Square Foot Lots with a Development Plan) and GC(D) (General Commercial District with a Development Plan) to RM-8(D) (Multifamily Residential District, 8 Units per Acre with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5(D) and GC(D) and placing same in and establishing same as RM-8(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Denial

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Ron Horvath, representing the applicant, stated that the proposal was a 30 acre site in which they were attempting to develop for multi-family. He noted of the 30 acres, only about 5 to 6 acres are outside the floodplain and they have included on a 44 buffer which is shown on the development plan. Mr. Horvath noted his client did contact individuals regarding this proposal.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson to approve the rezoning request. This motion was seconded by Council Member Miller.

Several Council Members thanked the applicant for including the additional buffer on their property.

Council Member Clement spoke in support of the rezoning noting that the area is not suitable for industrial/commercial development.

Council Member Cox asked if there was a 100 foot greenway easement shown on the development plan as recommended.

Vonda Frantz, of the City/County Planning Department, noted the applicant had agreed to the 100 foot greenway easement but she did not know if it was on the development plan.

Ron Horvath, representing the applicant, stated if it was the council's wish the applicant could include a 200 feet greenway easement. Mr. Horvath stated he thought the 100 foot easement was shown on the plan.

Vonda Frantz, of the City/County Planning Department, stated she thought the plan noted 50 feet; however, she noted the applicant did agree to have more.

Ron Horvath stated they agreed to 100 feet.

Mayor Tennyson noted that the applicant has agreed to a 100 foot greenway easement.

Ron Horvath stated he would make sure the note on the plan shows a 100 foot greenway easement.

Council Member Cox asked the staff would they recommend approval rather than denial with the 100 foot easement.

Vonda Frantz stated the staff's recommendation for denial was based on land use entirely. She noted the plan calls for commercial and the staff felt the area was appropriate for commercial.

Council Member Cox asked the administration to clarify the statement that the additional 23 acres could not be used for anything but open space in the future.

Vonda Frantz stated the additional acreage was in the floodplain and at the present, there are restrictions on building in the floodplain.

Council Member Jacobs noted she would be supporting the staff's recommendation of denial. She noted economic development is really important for the area in question.

Council Member Blyth spoke in support of commercial development in the area and urged the council to deny the request.

Council Member Miller stated the commercial viability of this site is limited because it was a small parcel and with the present commercial use in surrounding areas the rezoning request would be compatible in terms of shopping [individuals who are residents in this area could travel a short distance and benefit]. He stated he would be supporting the request.

Council Member McKissick spoke in support of the rezoning.

Council Member Langley spoke in opposition to the rezoning. She spoke in support of jobs for this area.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5(D) and GC(D) and placing same in and establishing same as RM-8(D) was approved at 8:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Larson, McKissick and Miller. Noes: Council Members Langley, Jacobs, Brown, Engelhard and Blyth. Absent: None.

SUBJECT: ZONING MATTER CASE P98-90, GLENAMAR, LLC, WEST SIDE OF

COLE MILL ROAD, BETWEEN WHITEHALL SUBDIVISION AND STRAYHORN ROAD

Case: P98-90

Applicant: Glenamar, LLC

Location: The 6.23 acre site is located on the west side of Cole Mill Road, between Whitehall subdivision and Strayhorn Road (Tax Map 768, Block 2, Lots 8, 9, 10, 11)

Request: Rezoning from R-20 (Residential 20 District) (Eno-Basin) to PDR 2.59 (Planned Density Residential with 2.59 units per acres) (Eno-Basin)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (Eno-Basin) and placing same in and establishing same as PDR 2.59 (Eno-Basin).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

Note: Valid Protest Petitions filed against this rezoning.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Ron Horvath, representing the applicant, spoke in support of the rezoning. He noted they worked with the neighbors to reduce the number of units from 21 units to 16 and changed the zoning from RM-8 to PDR. Mr. Horvath stated the PDR request provides a 50 foot transitional use around the entire _____ of the buffer which insures that no building, no unit will get any closer than 50 feet to the property line. He noted all of the concerns regarding access, water and sewer for adjacent neighbors have been resolved through their development plan and the only remaining concern of the neighbors is the fact the project will be attached single-family homes. Mr. Horvath stated the homes are 1800 square feet with two attached two car garages. He asked support of the request.

Kathy Wright-Moore, the applicant, stated they have done an outstanding job involving the neighbors. She noted the only issue remaining is the housing style. She stated their plan meets the 2005 Plan, 2020 Plan, no environmental issues, and no traffic issues. Ms. Moore asked council to support the request.

Cissy Yarborough; Faye Bassett and Chrisy King spoke in support of the rezoning request.

Opponents

George Trout spoke in opposition to this rezoning request. He stated the developer refers to the project having attached single-family housing; however, the staff report refers to the units as duplexes. He noted they wanted to keep the area single-family.

Jim Worthington stated the rezoning request should be denied for the following reasons: 1) proposed use is out of character; and 2) even if the use is consistent with the density criteria of the 2020 plan it is not consistent with other elements of the plan.

Lynn Horowitz stated the plan was not suited for the area and asked council to deny the request.

Rebuttal

Ron Horvath stated the use and density is compatible. He noted the use is consistent with the land use plans.

Kathy Wright-Moore asked council to support the rezoning because it was needed in northwest Durham.

Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson to approve the request. This motion was seconded by Council Member Miller.

Several Council Members spoke in support of the rezoning request.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (Eno-Basin) and placing same in and establishing same as PDR 2.59 (Eno-Basin) was approved at 9:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING CASE P98-85, GRIFFIN ASSOCIATES, NC HIGHWAY 54
AND
BISCAYNE ROAD**

Case: P98-85

Applicant: Griffin Associates

Location: Northeast corner of NC Highway 54 and Biscayne Road
(Tax Map 428, Block 3, Lot 6)

Request: Rezoning from R-20 (Residential 20) (F/J-B) to OI-1
(Transitional Office and Institutional District) (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as OI-1 (F/J-B).

Zoning Committee's Recommendation and Vote: Approval (4-3)

City Manager's Recommendation: Approval

Mayor Tennyson noted that at the Committee-of-the-Whole Meeting the staff recommended referring this rezoning request to the administration for appropriate advertising.

Council Member Blyth asked if there was a development plan associated with this rezoning.

The administration replied no.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to refer this rezoning request to the administration for appropriate advertising [to be brought back before Council at the November 1, 1999 City Council Meeting] was approved at 9:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-23, STATE PROPERTIES,
SOUTHWEST
CORNER OF THE INTERSECTION OF CARVER STREET AND**

ROXBORO

ROAD

Case: P99-23

Applicant: State Properties

Location: This 1.57 acre site is located at the southwest corner of the intersection of Carver Street and Roxboro Road (Tax Map 324, Block 4, Lots 9 (partial), 11, 12, 13, 14, 15, 16, 17)

Request: Rezoning from OI-2 (General Office and Institutional District) and R-5 (Residential 5 District) to OI-2(D) (General Office and Institutional District with a Development Plan) and NC(D) (Neighborhood Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and R-5 and placing same in and establishing same as OI-2(D) and NC(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Denial

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Travis Porter, representing the applicant, spoke in support of the request. He stated the proposal calls for a pharmacy at this location and it would be a less intensive use than what would be allowed by right at the present time. Also, Attorney Porter noted he was not aware of any neighborhood opposition to the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

A motion was made by Mayor Pro Tempore Clement to approve the rezoning request. This motion was seconded by Council Member Cox.

Several Council Members spoke in support of the request.

Council Member Blyth noted that the staff report states that the proposal is not compatible with the surrounding areas and not in conformance with the plans. She stated DOS has expressed concern that there is no adequate dedication for a ten foot trail that is on the open space master plan. She encouraged her colleagues to vote against this rezoning request.

Council Members Engelhard and Larson spoke in opposition to the rezoning request.

Earl Lewellyn, of the Transportation Division, stated with the

proposed project the applicant would be reducing the number of conflict points [the number of driveways] currently in the area.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cox

to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and R-5 and placing same in and establishing same as OI-2(D) and NC(D) was approved at 9:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley and McKissick. Noes: Council Members Larson, Miller Brown, Engelhard and Blyth. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-26, GIUSEPPE FINAZZO, 2204
HIGHWAY 54**

Case: P99-26

Applicant: Giuseppe Finazzo

Location: 1.04 acre site located at 2204 Highway 54, identified as Tax Map 546, Block 4, Lot 6

Request: Rezoning from OI-2(D) (General Office and Institutional District with a Development Plan) to NC(D) (Neighborhood Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and placing same in and establishing same as NC(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Denial

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Howard Partner, representing the applicant, spoke in support of the request. He stated the applicant Mr. Finazzo wanted to build a new 7,924 square building for his business known as Sal's Italian Restaurant which is now located across from Highway 54 in the Park Terrace Shopping Center. He noted the plan is in accordance with all the zoning ordinance guidelines. Mr. Partner stated the planning staff does not support the request and has interpreted the rezoning as not being in conformance with the current Triangle Township Plan claiming that it expands through development and creates traffic problems. Mr. Partner stated the site is situated in an existing cluster of commercial development with other commercial sites located on Highway 54. Mr. Partner asked

council to support the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

A motion was made by Mayor Pro Tempore Clement to approve the rezoning request. This motion was seconded by Council Member Larson.

Council Member Larson asked Mr. Partner if there was any discussion with Headquarters Office Park regarding pedestrian foot traffic.

Howard Partner stated there was an existing parking lot adjacent to the restaurant. He stated the applicant could provide a sidewalk through the buffer area.

Several Council Members expressed concern with pedestrian access.

Mayor Pro Tempore Clement asked the applicant if he was willing to amend the proposal to include a sidewalk.

Howard Partner noted between the applicant's parking lot and the Headquarters Park property there is a five foot strip with vegetation. Mr. Partner stated they could agree to add a sidewalk up to the property line. He also stated they would also build a sidewalk on the office park property if the property owner would allow it.

The administration noted if the applicant includes a sidewalk on the development plan he would be required to build it.

Howard Partner noted he was willing to communicate with adjoining property owners, particularly the Headquarters Office Park, to discuss pedestrian connections.

A motion was made by Council Member McKissick to continue the public hearing without further advertising until the November 15, 1999 City Council Meeting to allow the applicant to communicate with adjoining property owners regarding sidewalks. This motion was seconded by Mayor Pro Tempore Clement.

Mayor Tennyson reopened the public hearing.

SUBSTITUTE MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to continue the public hearing without further advertising until the November 15, 1999 City Council Meeting to allow the applicant to communicate with adjoining property owners regarding pedestrian connections was approved at 9:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson,

McKissick and Miller. Noes: Council Members Cox and Blyth.
Absent: None.

SUBJECT: STATUS REPORT REGARDING CRIME STATISTICS

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from Chief Teresa Chambers regarding crime statistics was approved at 9:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: TRANSPORTATION IMPROVEMENT PROGRAM (TIP) BI-ANNUAL STATUS

REPORT AND FY 2002-2008 TIP PROJECT PRIORITY LIST

To receive a report concerning the 2000-2006 Transportation Improvement Program (TIP).

To adopt a Resolution Concerning the Transportation Projects Contained in the FY 2000-2006 Transportation Program (TIP) and to Endorse a Project Priority List for the FY 2002-2008 TIP."

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to set a public hearing on Monday, November 1, 1999 to receive citizens' comments on the proposed FY 2002-2008 TIP Project Priority List was approved at 10:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk

